

Plaintiff Martin J. Walsh, Secretary of Labor, United States Department of Labor (“Plaintiff”), brings this action to enjoin Defendant Heritage Child Learning Center, LLC, (“Defendant”), from violating provisions of Sections 11 and 15 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. § 201, et seq.), hereinafter referred to as “the Act.”

1. Defendant Heritage Child Learning Center, Inc. (hereinafter “Heritage”), is, and at all times hereinafter referenced was, incorporated in Ohio as a corporation with a principal place of business at 626 Northland Blvd, Cincinnati, Ohio 45240, which is within the venue and jurisdiction of this Court. Heritage provides child care services.

2. Defendant is and, at all times hereinafter mentioned, was engaged in related

activities performed through unified operation or common control for a common business purpose, and is and at all times hereinafter mentioned was an enterprise within the meaning of Section 3(r) of the Act.

3. Defendant is, and at all times hereinafter mentioned was, engaged in the operation of a daycare/pre-school center and is, and at all times hereinafter mentioned was, an enterprise engaged in commerce within the meaning of Section 3(s) of the Act.

4. During the period from October 1, 2019 through October 14, 2020 (“the investigative period”), Defendant did not keep accurate records of their employees’ hours worked each work day and total hours worked each workweek.

5. Defendant violated the provisions of Sections 11(c) and 15(a)(5) of the Act in that Defendant failed to make, keep, and preserve adequate and accurate records of their employees, as prescribed by the regulations issued and found at 29 C.F.R. Part 516. For example, Defendant failed to make, keep, and preserve adequate and accurate records of their employees’ hours worked each work day and total hours worked each workweek.

6. During the investigative period, Defendant continually violated the provisions of the Act as alleged above. A judgment permanently enjoining and restraining the violations herein alleged is specifically authorized by Section 17 of the Act, 29 U.S.C. § 217.

WHEREFORE, cause having been shown, the Secretary prays for judgment against Defendant providing the following relief:

For an injunction issued pursuant to Section 17 of the Act permanently enjoining and restraining Defendant, their officers, agents, servants, employees, and those persons in active concert or participation with Defendant who receive actual notice of any such judgment, from violating the provisions of Sections 11(c) and 15(a)(5) of the Act; and

FURTHER, Plaintiff prays that this Honorable Court award costs in his favor, and an order granting such other and further relief as may be necessary and appropriate.

Respectfully submitted,

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/s/ Maureen M. Cafferkey
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